



18351 U.S. PTO

CONTINUING PATENT APPLICATION TRANSMITTAL  
Attorney Docket No. 07189.0014.DVUS02

031088 U.S. PTO  
10/700274



PATENT  
Attorney Docket No. 07189.0014.DVUS02

First Named Inventor or  
Application Identifier: **Podolski**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request under 37 C.F.R. §1.53(b) for  
filing a:

- ( ) Continuation application,
- (X) Divisional application,
- ( ) Continuation-in-Part application,

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
) "Express Mail" Mailing Label Number  
) EV 023935050 US  
) Date of Deposit November 3, 2003  
) I hereby certify that this paper or fee is being deposited with the  
) United States Postal Service "Express Mail Post Office to  
) Addressee" Service under 37 CFR §1.10 on the date indicated  
) above and is addressed to Box PATENT APPLICATION,  
) Assistant Commissioner for Patents, Washington, D.C. 20231  
) Nate Le  
) (Typed or printed name of person mailing)  
) [Signature]  
) (Signature of person mailing)

**CONTINUING PATENT APPLICATION TRANSMITTAL**  
**(for Continuing Applications under 37 C.F.R. §1.53(b))**

1. (X) This is a continuation or **divisional application**. Enclosed is a copy of the **prior application as originally filed, including specification, claims, drawings, and oath or declaration.**
2. (X) A copy of the executed oath or declaration filed in the prior nonprovisional application is enclosed.
3. **Inventorship:**
  - ( ) A newly-executed oath or declaration and power of attorney is enclosed (*for continuation-in-part applications, or for continuation or divisional applications naming an inventor **not** named in the prior application*) (§1.63(a), (d)(5), and (e)).
  - ( ) Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

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- ☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).
4. ☐ Assignment(s) of the invention to \_\_\_\_\_, and cover sheet are enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the fee for recording the assignment(s) is enclosed.
5. ☒ The prior application is assigned of record to  
ZONAGEN, INC.
- Reel 9573 and Frame 0144
6. **Small Entity Status (37 C.F.R. §1.27:**
- ☒ Applicant is entitled to Small Entity Status for this application.
- ☒ A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.
- ☐ Status as a small entity is *no* longer claimed.
7. ☐ A 37 C.F.R. §3.73(b) statement is enclosed (*where an assignee seeks to take action in a matter before the Patent Office*).
8. ☒ A preliminary amendment is enclosed.
9. **Drawings**
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (*May be used only if signed by person authorized by §1.138 and before payment of base issue fee.*)
- ☐ New formal drawings are enclosed.
- ☐ Informal drawings are enclosed.

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10.    (☐)    A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
11.    (☒)    An Information Disclosure Statement is enclosed.
- (☒)    A Form PTO-1449 is enclosed.
- (☒)    References (copies) listed on the Form PTO-1449 are within the file for the parent application 09/494,627.
12.    (☐)    A MicroFiche Computer Program (Appendix) is enclosed.
13.    (☒)    A Return Receipt Postcard is enclosed (MPEP §503).
14.    (☐)    A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- (☐)    A Computer Readable Copy is enclosed.
- (☐)    A Paper Copy (*identical to computer copy*) is enclosed.
- (☐)    A Statement Verifying Identity of above copies is enclosed.
15.    (☐)    Priority of application number \_\_\_\_\_ filed on  
                  in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- (☐)    The certified copy of the priority document has been filed in prior  
                  application number \_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_.
- (☐)    A certified copy of the priority document is enclosed.

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16. **Power of Attorney**

(X) The Power of Attorney in the prior application is to:

(x) David W. Clough, Ph.D. Reg. No. 36,107,  
HOWREY SIMON ARNOLD & WHITE, LLP  
321 West Monroe Street, Suite 1600  
Chicago, Illinois 60661-3693  
and other members of the firm.

(X) Customer Number 22930

(X) The power appears in the original papers in the prior application.

(x) Since the power does **not** appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

17. (x) Cancel in this application original claims 1-18, 21 and 37-46 of the prior application before calculating the filing fee. *(At least one original independent claim must be retained for filing purposes.)*

18. **Filing Fee Calculation (37 C.F.R. §1.16)**

(X) Utility Application

CLAIMS AS FILED – INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		LARGE ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$385.00		\$770.00
TOTAL (No. of claims – 19=)	17	0	X \$9.00		X \$18.00	
INDEP. (No. of claims – 3=)	1	0	X \$43.00		X \$86.00	
Assumed no multiple dependent claims – First Presentation of Multiple Dependent Claim			+ \$145.00		+ \$290.00	
Filing Fee =			\$ 385.00		\$	

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- ☐ Design Application (\$170.00/\$340.00) Filing Fee: \$  
☐ Plant Application (\$265.00/\$515.00) Filing Fee: \$ \_\_\_\_\_

**20. Other Fees**

- ☐ Recording Assignment [Fee – \$40.00 per assignment] \$ \_\_\_\_\_  
☐ Petition fee for filing by other than all the inventors or person on behalf of the inventor where refused to sign or cannot be reached [Fee – \$130.00] \$ \_\_\_\_\_  
☐ Other – \_\_\_\_\_ \$ \_\_\_\_\_

**Total Fees Enclosed** \$ \_\_\_\_\_

**21. Method of Payment of Fees**

- ☐ Enclosed is our firm check in the amount of: \$ \_\_\_\_\_  
☒ Charge \$\_\_\_\_ to Deposit Account No. 30-3038.

22. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 30-3038. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 30-3038. This sheet is filed in duplicate.

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Please direct all future communications to:

IP Prosecution  
**HOWREY SIMON ARNOLD & WHITE, LLP**  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
(202) 783-0800

Respectfully Submitted,

November 3, 2003

(Date)

By: 

Teddy C. Scott, Jr., Ph.D.

Registration No. 58,573

*HOWREY SIMON ARNOLD & WHITE, LLP*  
321 N. Clark Street, Suite 3400  
Chicago, IL 60610  
Telephone No.: (312) 846-5621  
Facsimile No.: (312) 595-2250